

REMARKS

Claims 1-14 are pending. Claims 1, 3, 6 and 9 are the independent claims. By this Amendment, Applicant amends claims 3, 6-8, 10-11 and 13, adds claim 14 and traverses the rejections. Reconsideration is respectfully requested.

Claims 3, 7, 10-11 and 13 were objected to. Claims 8 and 10 were rejected under 35 U.S.C. § 112. Claims 1-4, 6, 8-10 and 12 were rejected under 35 U.S.C. § 103(a) over Fukuda, U.S. Patent No. 6,169,905 in view of Gillig, U.S. Patent No. 4,989,230. Claim 7 was rejected over Fukuda and Gillig in combination with Official Notice taken by the Examiner. Claims 5, 11 and 13 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form, which Applicant acknowledges with gratitude.

In paragraphs 2-6 of the Office Action, claims 3, 7, 10-11 and 13 were objected to because of informalities. Applicant has amended the claims to overcome the objections. Claim scope has not been narrowed thereby. Withdrawal of the objections to these claims is respectfully requested.

In paragraphs 8-10 of the Office Action, claims 8 and 10 were rejected under § 112 as indefinite. Applicant has amended the claims to overcome the rejections. Claim scope has not been narrowed thereby. Withdrawal of the rejections of these claims is respectfully requested.

In paragraph 12 of the Office Action, claims 1-4, 6, 8-10 and 12 were rejected under § 103 over Fukuda in view of Gillig. Applicant respectfully traverses these rejections.

Nowhere do Fukuda or Gillig show or suggest, as required by independent claims 1 and 6 of the present application, “transmit[ing] an *ON state indication signal* indicating to switch on a main power source of said receiver cellular phone.” (Emphasis

added.) Fukuda fails to show transmitting an ON state indication signal. At best, what is transmitted in Fukuda appears to be general control information, not a signal to actually turn on a telephone as required by claims 1 and 6.

The Office Action states that Fukuda discloses “allowing said sender phone to transmit an ON state indication signal (control signal – Figure 5).” However, none of the fields in the control signal instruct Fukuda’s remote station to turn on the power. Specifically, according to Fukuda:

As shown in FIG. 5, the down-link control signal comprises a preamble PR which is a sync word formed of a constant pattern of a predetermined length, a unique word UW of a specific pattern indicative of the control signal, a channel type CI for effecting a communication, control data CAC indicating a control content and an error-detection parity CRC, in that order.

Nowhere, then, does the control signal of Fukuda contain a command that the remote station be *turned on*.

Indeed, Fukuda’s remote station automatically turns its reception section on at predetermined periods, not based on a signal transmitted from a master station, as required in claims 1 and 6:

[T]he remote stations 4, 5, . . . , *detect the timing* at which they receive the control signal transmitted from the main master station 1 and receive the transmitted control signal intermittently *during the period T_{ON}* on the basis of the detected timing. The reception operation in this period T_{ON} is intermittently carried out at a *predetermined cycle*.

(Column 8, lines 9-13.) Thus, Fukuda’s remote station is turned on (T_{ON}) based on timing considerations – i.e., when the remote station energizes itself to accept a control

signal -- not based on “an ON state indication signal” transmitted remotely as required in claims 1 and 6.

Indeed, assume *arguendo* that Fukuda’s master station were capable of transmitting an “ON state indication signal” -- but it never sent one. Regardless, Fukuda’s receiving phone *would turn on anyway* on a “predetermined cycle” in order to receive signals. This shows that Fukuda’s remote station is not turned on based on an “ON state indication signal” as claimed, because the remote station turns on automatically whether or not an ON state indication signal would ever be sent.

Further, Gillig does not cure the deficiencies of Fukuda. That is, Gillig does not show “transmit[ting] an ON state indication signal.”

Accordingly, Fukuda and Gillig, even if combined, fail to show each and every limitation of independent claims 1 and 6. Thus, the Office Action has failed to make out a *prima facie* case of obviousness. M.P.E.P. § 2143.

Further, one of skill in the art at the time of the invention would not look to Fukuda to show turning on a remote station. Fukuda is a closed system, one designed for *cordless* telephones. The present invention can work in an open system, one containing *cellular* telephones. If Fukuda’s teachings were applied to cellular telephones, this would turn on every possible receiving cellular telephone at predetermined intervals. This is an impractical and illogical result that reveals that one of skill in the art would not combine Fukuda with Gillig (or any other teaching) to arrive at the present invention. If nothing else, it shows that there would not be a reasonable expectation of success if the references were so combined. M.P.E.P. § 2143. For these added reasons, claims 1 and 6 are patentable over Fukuda and Gillig under § 103.

In view of the above, withdrawal of the rejections of independent claims 1 and 6 is thus respectfully requested. Further, claims 2 and 7-8 depend directly or indirectly on claims 1 and 6 respectively and contain additional patentable limitations. Thus, claims 2 and 7-8 are likewise patentable under § 103 over Fukuda in view of Gillig. “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” M.P.E.P. § 2143.03, quoting *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Withdrawal of the rejections of claims 2 and 7-8 is thus respectfully requested.

Independent claims 3 and 9 are patentable under § 103 over Fukuda in view of Gillig. Independent claim 3 requires “*sending* power-ON information” (emphasis added) and independent claim 9 requires “receiving *a signal* for switching to be in an ON state.” For the reasons given above with respect to claims 1 and 6, Fukuda does not show sending power-ON information that could turn on the remote station, nor does it show receiving a signal that could turn on the remote station. Thus, withdrawal of the rejections of independent claims 3 and 9 over Fukuda in view of Gillig under § 103 is thus respectfully requested. Claims 4-5 and 10-13 depend directly or indirectly on claims 3 and 9 respectively. These claims are thus patentable as well, and withdrawal of the rejections thereof is thus respectfully requested.

In paragraph 14 of the Office Action, it is stated that claims 5, 11 and 13 would be allowable if rewritten independent form, which Applicant again acknowledges with gratitude. However, Applicant defers so rewriting these claims until reconsideration of the application in light of the above remarks is undertaken.

Applicant has amended the claims to overcome the objections and rejections thereof. Further, Applicant has shown that each of the presently pending claims is patentable under § 103 over the cited teachings. In view of the above, each of the presently pending claims is in condition for allowance and such action is earnestly solicited.

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